

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Aspirity Holdings, LLC,

Debtor.

Case No. 18-40667  
Chapter 7

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**NOTICE OF HEARING AND MOTION FOR ORDER  
AUTHORIZING RULE 2004 EXAMINATIONS**

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TO: Entities specified in Local Rule 9013-3.

1. Randall L. Seaver, the Chapter 7 Trustee of the above-captioned bankruptcy estate, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of the following: Tammy Rae Krieger; Whitney Ann Krieger; Thomas and Claudia Comstock and the Claudia M. Comstock Irrevocable Trust; Blue Water Energy Futures, LLC; Larry Severson; American Express; Cedar Point Road, LLC; Krieger Construction, LLC and Todd P. Krieger; and thurml LLC and Kim Edward Elverud.

2. The Court will hold a hearing on this motion at 1:00 p.m. on Wednesday, May 1, 2019, before the Honorable Kathleen H. Sanberg, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than Friday, April 26, 2019, which is five (5) days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This bankruptcy case was commenced on March 7, 2018 by the filing of an involuntary Chapter 7 Petition.

5. The case is currently pending in this Court. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-

1. This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004 and is filed under Local Rule 2004-1.

6. The entities/individuals for which Rule 2004 examination authority is sought are as follows:

- (a) Tammy Rae Krieger. Ms. Krieger is one of the Debtor's former spouses having been divorced since 2017. The Trustee desires to investigate transfers between the Debtor and Ms. Tammy Rae Krieger.
- (b) Whitney Ann Swanson. Ms. Swanson formerly had a marital relationship with Mr. Krieger. The Trustee desires to investigate transfers between the Debtor and Ms. Swanson.
- (c) Thomas Comstock, Claudia Comstock and the Claudia M. Comstock Irrevocable Trust. It appears that Mr. Krieger has transferred substantial sums of money to the Comstocks, who are husband and wife, as well as the trust. The Trustee desires to investigate these transfers.
- (d) Blue Water Energy Futures, L.L.C. This an entity created by Mr. Krieger on July 14, 2017. It appears that Mr. Krieger has transferred substantial sums of money to this entity.
- (e) Larry Severson. Mr. Severson was formerly a licensed attorney within the State of Minnesota. For years, Mr. Severson has served as an advisor to, and has received monetary transfers from, Timothy Krieger and his entities. The Trustee desires to investigate Mr. Krieger's interactions with, and transfers to, Mr. Severson.
- (f) American Express Company. This entity will have knowledge related to Mr. Krieger's charges and payments related to use of one or more American Express credit cards.
- (g) Cedar Point Road, LLC. This an entity created by Mr. Krieger on in 2015. It appears that Mr. Krieger has transferred substantial sums of money to this entity.
- (h) Krieger Construction, LLC and Todd P. Krieger. It appears that Mr. Krieger has transferred substantial sums of money to Krieger Construction, operated by Todd P. Krieger. The Trustee desires to investigate these transfers.

- (i) thurml LLC and Kim Edward Elverud. It appears that Mr. Krieger has transferred substantial sums of money to thurml LLC of which Mr. Elverud is the registered agent. The Trustee desires to investigate these transfers.

7. The Trustee needs to obtain information from these individuals and entities so that he can determine the assets of this bankruptcy estate and administer the estate.

**WHEREFORE**, the Trustee requests that the Court enter an order approving the Trustee's request for examinations, pursuant to Bankruptcy Rule 2004.

**MORRISON SUND PLLC**

Dated: April 11, 2019

/e/ Matthew R. Burton  
Matthew R. Burton (210018)  
5125 County Road 101, Suite 200  
Minnetonka, MN 55345  
P: (952) 975-0050; F: (952) 975-0058  
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**ATTORNEYS FOR PLAINTIFF**

**VERIFICATION**

I, Randall L. Seaver, the Trustee for the Bankruptcy Estate of Aspiry Holdings, LLC, LLC, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed: April 11, 2019

/e/ Randall L. Seaver  
Randall L. Seaver, Trustee

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**UNSWORN CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2019, I caused the following documents:

1. Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations; and,
2. Proposed Order for Rule 2004 Examinations.

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

Tammy Rae Krieger 21580 Bitterbush Pass Prior Lake, MN 55372-6009	Kim Edward Elverud 5400 Opportunity Court #160 Minnetonka, MN 55343	Todd P. Krieger 20475 Vergus Ave. Jordan, MN 55352
Blue Water Energy Futures LLC 19555 Oak Grove Avenue Prior Lake, MN 55372	Larry Severson 6552 132 <sup>nd</sup> Lane Savage, MN 55378-4455	Cedar Point Road, LLC 19555 Oak Grove Avenue Prior Lake, MN 55372
American Express 1010 Dale Street North St. Paul, MN 55117-5603	thurml LLC 5400 Opportunity Court #160 Minnetonka, MN 55343	Krieger Construction, LLC 20475 Vergus Ave. Jordan, MN 55352
Thomas and Claudia Comstock and the Claudia M. Comstock Irrevocable Trust 18326 Deer Run Court Prior Lake, MN 55372	Whitney Ann Krieger n/k/a Whitney Ann Swanson 120 Riverside Blvd., Apt. 4U New York, NY 10069	

Dated: April 11, 2019

/e/ Kari L. Fogarty  
Kari L. Fogarty

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**ORDER AUTHORIZING RULE 2004 EXAMINATIONS**

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This case is before the Court on the motion of Randall L. Seaver, Trustee, to conduct Rule 2004 examinations of persons and entities under Federal Rule of Bankruptcy Procedure 2004(a) and Local Rule 2004-1(a).

Based on the files and records,

**IT IS ORDERED:**

The Trustee may examine Tammy Rae Krieger; Whitney Ann Krieger; Thomas and Claudia Comstock and the Claudia M. Comstock Irrevocable Trust; Blue Water Energy Futures, LLC; Larry Severson; American Express; Cedar Point Road, LLC; Krieger Construction, LLC and Todd P. Krieger; and thurml LLC and Kim Edward Elverud, and may issue subpoenas as provided under Bankruptcy Rule 9016 to compel testimony and request the production of documents within the scope of Bankruptcy Rule 2004.

Dated:

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United States Bankruptcy Judge